

SHIPPED: 4-4-61 and 11-9-61, from Seattle, Wash., to Redwood City, Calif., and Eugene, Oreg.

LABEL IN PART: (Pkg.) "Majorette Brand Family Pak Macaroni Products Net Wt. 4 Lbs. Major Italian Foods Seattle, Washington"; "Majorette Brand Family Pak Egg Noodles Net Weight 24 Ounces Major Italian Foods Seattle, Washington. Contains 5.5% or more of U.S. Dept. Ag. graded egg yolks."

CHARGE: 402(a)(3)—the macaroni products contained insects and insect fragments when shipped.

402(b)(1)—when shipped, a valuable constituent, namely, egg solids, had been in part omitted from the egg noodles; 403(a)—the statement "Contains 5.5% or more of U.S. Dept. Ag. graded egg yolks" appearing on the label of the article was false and misleading in that it represented that the food contained 5½ percent egg yolk solids, whereas the food contained less than 5½ percent of egg yolk solids; 403(g)(1)—the article purported to be and was represented as egg noodles, a food for which a definition and standard of identity had been prescribed by regulations, and it failed to conform to such definition and standard since the total solids of the article contained less than 5.5 percent by weight of the solids of egg, or egg yolk.

PLEA: Nolo contendere.

DISPOSITION: 11-26-62. Corporation—\$2,000 fine and probation for 3 years; Merlino—probation for 3 years.

28524. Vermicelli and macaroni. (F.D.C. No. 46002. S. Nos. 50-992/4 R, 50-997 R.)

INFORMATION FILED: 8-10-61, W. Dist. Tex., against El Paso Macaroni Co., Inc., El Paso, Tex., and Ernest Ponce, president.

SHIPPED: Between 9-21-60 and 10-4-60, from El Paso, Tex., to Denver, Colo.

LABEL IN PART: "Ernie Ponce's R.F. Nested Vermicelli [or Macaroni Products] Vitamin Enriched 12 ounces [or 10 ounces] A Product of El Paso Macaroni Co., Inc. El Paso, Texas."

CHARGE: 402(a)(3)—contained insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

PLEA: Guilty.

DISPOSITION: 11-16-62. Corporation and individual fined \$400 each.

28525. Egg noodles. (F.D.C. No. 46025. S. Nos. 17-531/2 R, 50-208 R.)

INFORMATION FILED: 8-23-61, Dist. Colo., against American Beauty Macaroni Co., a corporation, Denver, Colo., and Edward R. Vagnino, production manager.

SHIPPED: Between 12-13-60 and 1-27-61, from Colorado to Wyoming.

LABEL IN PART: (Ctns.) "American Beauty Fine [or "Wide"] Egg Noodles"; (bags) "Egg Noodles Contains 5½% Egg Solids * * * American Beauty Macaroni Company St. Louis · Kansas City · Dallas (or Wichita) · Denver · Salt Lake City."

CHARGE: 402(b)(1)—when shipped, the valuable constituent, egg solids, had been in part omitted from the article; 402(b)(2)—a product which contained less than 5.5 percent of egg solids had been substituted for a product containing not less than 5.5 percent of egg solids; 403(a)—the label statement "Contains 5½% Egg Solids" was false and misleading; and 403(g)(1)—the article

failed to conform to the definition and standard of identity for egg noodles in that the article contained less than 5.5 percent by weight of the solids of egg or egg yolk.

PLEA: Nolo contendere by the corporation to 6 counts; by Vagnino to 1 count.

DISPOSITION: 3-30-62. Corporation—\$900 fine; Vagnino—\$200 fine.

28526. Egg noodles. (F.D.C. No. 48231. S. No. 18-206 V.)

QUANTITY: 113 cases, each containing 24 5-oz. bags, at Corpus Christi, Tex.

SHIPPED: Between 7-12-62 and 7-30-62, from Omaha, Nebr.

LIBELED: 10-15-62, S. Dist. Tex.

CHARGE: 402(a)(3)—contained insects and insect larvae while held for sale.

DISPOSITION: 11-23-62. Default—destruction.

28527. Spaghetti. (F.D.C. No. 47607. S. No. 61-709 T.)

QUANTITY: 63 cases, each containing 20 1-lb. pkgs., at Readville, Mass.

SHIPPED: Between 4-6-62 and 4-18-62, from Danielson, Conn., by V. La Rosa & Sons, Inc.

LABEL IN PART: (Pkg.) "La Rosa Grade A Enriched Macaroni * * * Thin Spaghetti (Spaghetтини) No. 9 Italian Style * * * V. La Rosa & Sons, Inc. Brooklyn, N.Y."

LIBELED: 5-21-62, Dist. Mass.

CHARGE: 402(a)(3)—contained insect fragments; and 402(a)(4)—prepared and packed under insanitary conditions.

DISPOSITION: 10-1-62. Default—delivered to a public institution for use as animal feed.

MISCELLANEOUS CEREALS AND CEREAL PRODUCTS*

28528. Wheat. (Inj. 439.)

COMPLAINT FOR INJUNCTION FILED: 6-29-62, Dist. Idaho, against Colorado Milling & Elevator Co., American Falls, Idaho, and J. Lawson Cook, executive vice president.

CHARGE: The complaint alleged that the defendant, Colorado Milling & Elevator Co., operated, within the State of Idaho, a number of grain elevators for the storage of wheat and that defendant Cook was charged with overall management and control of the firm's elevators. It alleged further that from time to time inspection of some Idaho elevators by Food and Drug inspectors had revealed the existence of insanitary conditions by reason of insect and rodent infestation which could and did contaminate the wheat; that defendants had caused the wheat to be introduced and delivered for introduction into interstate commerce in violation of the Act since the wheat was adulterated within the meaning of 402(a)(3), in that it consisted in part of filthy substances such as rodent excreta pellets and insects; and 402(a)(4), in that it was held under insanitary conditions whereby it may have become contaminated with filth; and that interstate shipments of the wheat had been seized and condemned under the Act.

DISPOSITION: On 6-29-62, the defendants having denied the allegations of the complaint but having consented to the entry of a decree, the court entered a decree of injunction which would remain in effect until 12-31-63, enjoining

*See also No. 28572.